

GAHC010073702024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/935/2024

ABDUL HOQUE
S/O KHASORU SHEIKH
R/O VILL- KAJAIKAT APART-V,
P.O. KAJAIKATA
P.S. BILASIPAA
DIST. DHUBRI, ASSAM
PIN-783348

VERSUS

THE STATE OF ASSAM
TEP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K M HASSAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

24.06.2024

Heard Ms. S. Nazneen, learned counsel for the applicant and Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Bilasipara P.S. Case No. 04/2024**, under Sections 365/511/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely,

Abdul Hoque for grant of pre-arrest bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Mainul Islam, on 05.01.2024. The essence of allegation made in the aforesaid FIR is that on 05.01.2024, at about 12:00 p.m., one Afjalur Rahman, Kader Ali, Nuru Mandal, Nur Amin, Jamat Ali, Member and Rohim have stolen the informant Mainul Islam in a car, bearing Registration No. AS18-D-4900, from a petrol pump situated at Hakama and he was recovered by public and handed over to police along with one of the accused.

4. Ms. Nazneen, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 08.04.2024 and pursuant to the said order, the applicant has appeared before the I.O. and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 08.04.2024, absolute in the same terms and conditions.

5. On the other hand, Mr. Lahkar, learned Additional Public Prosecutor by producing the case diary before this court, submits that the case diary has not been updated since long. However, Mr. Lahkar referring to the materials available in the case diary submits that the I.O. has examined some witnesses and also arrested some of the accused persons.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. In view of the materials so far collected in the case diary and also considering the fact that the applicant has been cooperating with the investigating agency, this Court is of the view that the custodial interrogation of the applicant

seems to be unwarranted here in this case. And therefore, this Court is inclined to make the interim order dated **08.04.2024, absolute** in the same terms and condition.

8. In terms of above this A.B. stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant